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SENATE

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PARTNERS FOR FISH AND WILDLIFE ACT

JUNE 22, 2005.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 260]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 260) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

Since 1987, the U.S. Fish and Wildlife Service (“Service”) has administered the Partners for Fish and Wildlife Program to provide technical and financial assistance to private landowners to voluntarily restore wetlands and other fish and wildlife habitat on their land, making responsible stewardship possible and affordable for private landowners. Specifically, the Service provides landowners with biological information about their property, restoration designs, cost-sharing on materials and services, and construction supervision. To date, the program has operated without specific congressional authorization as a separate line-item under the Service’s budget.

On August 26, 2004, President Bush signed Executive Order 13352 (69 Fed.Reg. 52989 (2004)) promoting a new approach to conservation within the Federal Government’s conservation and environmental departments. This Executive Order was offered to en-

sure that Federal agencies pursue cooperative conservation actions designed to involve private landowners.

An exemplary model of this cooperative conservation initiative is the Partners for Fish and Wildlife Program. The Service reports that the Partners for Fish and Wildlife Program is “[its] primary mechanism for delivering voluntary on-the-ground habitat improvement projects on private lands for the benefit of Federal trust species.” (U.S. Fish and Wildlife Service Division of Fish and Wildlife Management and Habitat Restoration, Land Use Management Series, Part 640: Management of Non-Owned Lands, September 24, 2003). Through over 35,039 agreements with private landowners, the Partners Program has accomplished the restoration of over 722,500 acres of wetlands, 1,573,700 acres of prairie and native grasslands, and nearly 5,900 miles of riparian and in-stream habitat to date. Partners Program agreements are funded through contributions from the Service along with cash and in-kind contributions from participating private landowners.

The Partners Program leverages resources to maximize the benefits and minimize the costs for all of its projects. On average, the Service succeeds in leveraging resources approximately 3-to-1 (non-Service to Service resources).

OBJECTIVES OF THE LEGISLATION

S. 260 provides specific congressional authorization for the first time for the Partners for Fish and Wildlife Program administered by the U.S. Fish and Wildlife Service. The bill would authorize \$75 million in fiscal years 2006 through 2011 for the Partners program. Currently, the Partners Program is funded only through a line item in annual appropriations measures pursuant to general grant making authority under the Fish and Wildlife Coordination Act (16 U.S.C. 661), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et. seq.), and the Partnerships for Wildlife Act (16 U.S.C. 3744). The bill is designed to highlight the private partnership and habitat conservation successes of the Partners Program. It also aims to provide the program with the added recognition and stability of congressional authorization. The bill encourages development of the Partners Program and is in no way intended to limit the technical and financial assistance that has historically been provided under the Partners Program.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the “Partners for Fish and Wildlife Act.”

Sec. 2. Findings and purpose

This section enumerates congressional findings relevant to the Act and states the purpose of the Act.

Sec. 3. Definitions

This section provides definitions applicable in the Act.

Sec. 4. Partners for Fish and Wildlife Program

This section directs the U.S. Fish and Wildlife Service to provide technical and financial assistance for habitat establishment, improvement, restoration, and enhancement to participating private landowners by voluntary agreements through the Partners for Fish and Wildlife Program. This section also authorizes technical assistance through the Partners Program to other public and private entities.

Sec. 5. Authorization of appropriations

This section authorizes \$75 million for each of fiscal years 2006 through 2011 for the Partners for Fish and Wildlife Program.

LEGISLATIVE HISTORY

On February 2, 2005, Senator James M. Inhofe introduced S. 260, which was cosponsored by Senator James Jeffords, Senator Thad Cochran, and Senator Lincoln Chafee. The bill was referred to the Senate Committee on Environment and Public Works. On April 22, 2005, the full committee held a field hearing on the bill. A full committee business meeting was held on June 8, 2005, and the committee unanimously ordered S. 260 to be reported to the full Senate as amended by a managers' amendment sponsored by Senator Inhofe and Senator Jeffords. A companion piece of legislation, H.R. 2018, was introduced in the House of Representatives on April 28, 2005.

HEARINGS

On April 22, 2005, the full committee held a field hearing on S. 260 in Tulsa, Oklahoma. The committee received testimony from Mr. H. Dale Hall, Regional Director, U.S. Fish and Wildlife Service (Region 2), Mr. Jeff Neal, Mr. Verline Chervanka, Dr. Terry Birdwell, Mr. Hal McKnight, and Ms. Debbie Straughn.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 260 on June 8, 2005. The committee unanimously agreed to a managers' amendment sponsored by Senator Inhofe and Senator Jeffords, and the committee unanimously approved S. 260 as amended, by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 260 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

S. 260, Partners for Fish and Wildlife Act, As ordered reported by the Senate Committee on Environment and Public Works on June 8, 2005.

Summary

S. 260 would authorize appropriations for the Partners for Fish and Wildlife program. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 260 would cost \$45 million in 2006 and about \$350 million over the 2006–2010 period. Enacting the bill would not affect direct spending or revenues. S. 260 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated Cost to the Federal Government

The estimated budgetary impact of S. 260 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

S. 260 would authorize the appropriation of up to \$75 million a year over the 2006–2011 period for the Partners for Fish and Wildlife program. Through that program, the Department of the Interior provides financial and technical assistance to private landowners for conservation projects on their land. Based on historical spending patterns for the program, CBO estimates that fully funding it under S. 260 would cost \$45 million in 2006 and \$350 million over the 2006–2010 period, with additional spending (of about \$100 million) occurring in later years.

By Fiscal Year, in Millions of Dollars

	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for the Partners for Fish and Wildlife Program.						
Budget Authority ¹	48	0	0	0	0	0
Estimated Outlays	44	9	3	1	0	0
Proposed Changes.						
Authorization Level	0	75	75	75	75	75
Estimated Outlays	0	45	77	76	76	76
Spending Under S. 260 for the Partners for Fish and Wildlife Program.						
Authorization Level ¹	48	75	75	75	75	75
Estimated Outlays	44	54	80	77	76	76

¹The 2005 level is the amount appropriated for that year for the Partners for Fish and Wildlife program.

Intergovernmental and Private-sector Impact

S. 260 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Estimate Prepared By: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Craig Cammarata.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

